

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Ramesses Mahdee,) C/A No. 3:09-3024-JFA-PJG
)
 Plaintiff,)
)
 vs.) ORDER
)
 U.S. District Court, South Carolina,)
)
 Defendant.)
)

The *pro se* plaintiff, Ramesses Mahdee, brings this action pursuant to 42 U.S.C. § 1983, contending that his arrest by two United States Marshals in 2007 was in error and as a result, he lost his job. He seeks damages for lost wages.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that this action should be dismissed. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on December 23, 2009. However, the

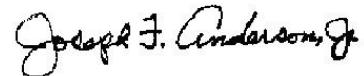
¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

plaintiff did not file any objections to the Report within the time limits prescribed.

The Magistrate Judge has treated this as a *Bivens* action. *See Bivens v. Six Unknown Names Agents of the Federal Bureau of Narcotics*, 403 U.S. 388, 397 (1971). A *Bivens* claim is analogous to a claim under 42 U.S.C. § 1983; federal officials cannot be sued under 42 U.S.C. § 1983 and other civil rights statutes because they do not act under color of state law. The sole defendant named in this case is the United States District Court for the District of South Carolina. Because the defendant is a federal agency and a *Bivens* action does not extend to federal agencies, the Magistrate Judge properly recommends that the action should be dismissed. *See F.D.I.C. v. Meyer*, 510 U.S. 471 (1994).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

January 26, 2010
Columbia, South Carolina